

ASSEMBLY BILL

No. 542

Introduced by Assembly Member Gaines

February 21, 2007

An act to amend Section 18960 of the Health and Safety Code, relating to historical buildings.

LEGISLATIVE COUNSEL'S DIGEST

AB 542, as introduced, Gaines. State Historical Building Safety Board: membership.

Existing law establishes the State Historical Building Safety Board with a specified membership, to act as a consultant to the State Architect and other state agencies with respect to the State Historical Building Code.

This bill would include the Building Owners and Managers Association of California within the membership of the board.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18960 of the Health and Safety Code is
- 2 amended to read:
- 3 18960. (a) A State Historical Building Safety Board is hereby
- 4 established as a unit within the Division of the State Architect.
- 5 The board shall be composed of qualified experts in their respective
- 6 fields who shall represent various state and local public agencies,
- 7 professional design societies and building and preservation oriented
- 8 organizations.

1 (b) This board shall act as a consultant to the State Architect
2 and to the other applicable state agencies for purposes of this part.
3 The board shall recommend to the State Architect and the other
4 applicable state agencies rules and regulations for adoption
5 pursuant to this part.

6 (c) The board shall also act as a review body to state and local
7 agencies with respect to interpretations of this part as well as on
8 matters of administration and enforcement of it. The board's
9 decisions shall be reported in printed form.

10 (1) Notwithstanding subdivision (b) of Section 18945, if any
11 local agency administering and enforcing this part or any person
12 adversely affected by any regulation, rule, omission, interpretation,
13 decision, or practice of this agency representing a building standard
14 wishes to appeal the issue for resolution to the State Historical
15 Building Safety Board, these parties may appeal to the board. The
16 board may accept the appeal only if it determines that issues
17 involved in the appeal have statewide significance.

18 (2) The State Historical Building Safety Board shall, upon
19 making a decision on an appeal pursuant to paragraph (1), send a
20 copy to the State Building Standards Commission.

21 (3) Requests for interpretation by local agencies of the
22 provisions of this part may be accepted for review by the State
23 Historical Building Safety Board. A copy of an interpretation
24 decision shall be sent to the State Building Standards Commission
25 in the same manner as paragraph (2).

26 (4) The State Historical Building Safety Board may charge a
27 reasonable fee, not to exceed the cost of the service, for requests
28 for copies of their decisions and for requests for reviews by the
29 board pursuant to paragraph (1) or (3). All funds collected pursuant
30 to this paragraph shall be deposited in the State Historical Building
31 Code Fund, which is hereby established, for use by the State
32 Historical Building Safety Board. The State Historical Building
33 Code Fund and the fees collected therefor, and the budget of the
34 State Historical Building Safety Board, shall be subject to annual
35 appropriation in the Budget Act.

36 (5) Local agencies may also charge reasonable fees not to exceed
37 the cost for making an appeal pursuant to paragraph (1) to persons
38 adversely affected as described in that appeal.

39 (6) All other appeals involving building standards under this
40 part shall be made as set forth in subdivision (a) of Section 18945.

(d) The board shall be composed of representatives of state agencies and public and professional building design, construction, and preservation organizations experienced in dealing with historic buildings. Unless otherwise indicated, each named organization shall appoint its own representatives. Each of the following shall have one member on the board who shall serve without pay, but shall receive actual and necessary expenses incurred while serving on the board:

- (1) The Division of the State Architect.
- (2) The State Fire Marshal.
- (3) The State Historical Resources Commission.
- (4) The California Occupational Safety and Health Standards Board.
- (5) California Council, American Institute of Architects.
- (6) Structural Engineers Association of California.
- (7) A mechanical engineer, Consulting Engineers and Land Surveyors of California.
- (8) An electrical engineer, Consulting Engineers and Land Surveyors of California.
- (9) California Council of Landscape Architects.
- (10) The Department of Housing and Community Development.
- (11) The Department of Parks and Recreation.
- (12) The California State Association of Counties.
- (13) League of California Cities.
- (14) The Office of Statewide Health Planning and Development.
- (15) The Department of Rehabilitation.
- (16) The California Chapter of the American Planning Association.
- (17) The Department of Transportation.
- (18) The California Preservation Foundation.
- (19) The Seismic Safety Commission.
- (20) The California Building Officials.
- (21) *The Building Owners and Managers Association of California.*

The ~~20~~ 21 members listed above shall select a building contractor as a member of the board. ~~The members, who~~ shall serve without pay, but shall receive actual and necessary expenses incurred while serving on the board.

Each of the appointing authorities shall appoint, in the same manner as for members, an alternate in addition to a member. The

1 alternate member shall serve in place of the member at the meetings
2 of the board that the member is unable to attend. The alternate
3 shall have all of the authority that the member would have when
4 the alternate is attending in the place of the member. The board
5 may appoint, from time to time, as it deems necessary, consultants
6 who shall serve without pay but shall receive actual and necessary
7 expenses as approved by the board.
8 (e) The term of membership on the board shall be for four years,
9 with the State Architect's representative serving continually until
10 replaced. Vacancies on the board shall be filled in the same manner
11 as original appointments. The board shall annually select a
12 chairperson from among the members of the board.

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